

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CASE NO: 2:07-cr-104-WKW-SRW
)	
NORMAN EVANS MCELROY, JR.)	

MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, **Norman Evans McElroy, Jr.**, by and through undersigned counsel and pursuant to 18 U.S.C. § 3161(h), and respectfully requests that this Court continue this matter from the May 5, 2008 trial term to the next trial term of this Court.

In support of this motion, the Defendant would show that such continuance will serve the ends of justice, in that failure to grant a continuance would deny counsel for the Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8)(B)(iv).

In further support, Mr. McElroy would show the following:

1. Additional time is also needed to allow all parties and the Court adequate time to fully address the motion to suppress now pending before the Court. A seven hour evidentiary hearing was held in that matter on February 13, 2008.

2. Additional time is required to complete investigation of this matter. As noted previously, there have been delays in obtaining computer analysis reports. Additional discovery was received on February 8, 2008. These reports and other issues need to be reviewed and investigated by defense counsel.

3. As a result, trial preparation cannot be completed on or before the presently scheduled trial date of May 2008.

4. The defendant is detained, but does not oppose this motion. If convicted of the charges brought in this Indictment, he will be facing substantial incarceration.

5. The government opposes this request. However, the ends of justice require that this motion be granted, for the foregoing reasons.

WHEREFORE, the Defendant prays that this Motion be granted and that the trial be continued from the May 5, 2008 trial term to the next appropriate Montgomery criminal trial term assigned to this Court.

Respectfully submitted,

s/ Christine A. Freeman
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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Christopher Snyder, Esq., Assistant United States Attorney.

s/ Christine A. Freeman

CHRISTINE A. FREEMAN

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